

TOWN OF NEW WINDSOR

PLANNING BOARD

August 10, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HARRY FERGUSON
HOWARD BROWN

ALSO PRESENT: AMY ZAMENICK, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

AGENDA:

1. Mt. Airy Park
2. Windsor Enterprises MHP
3. Center Line Studios LLC
4. New Cingular Wireless
5. Podoem-Shapiro
6. DA Realty LLC
7. Companion Dog Training Club

REGULAR MEETING:

MR. ARGENIO: Okay, I'm sick, I don't feel well, we're going to move along quickly, capably and competently and efficiently please. If you can't hear me, tell me and I'll speak louder. Amy Zamenick is here with us tonight for Dominic Cordisco. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTE DATED 5/11, 6/8, 7/13

MR. ARGENIO: First item on tonight's agenda is approval of the minutes dated May 11, June 8 and July 13, these were all sent out via e-mail on July 27. Anybody sees fit, I'll accept a motion we accept them as written.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

MT. AIRY PARK

MR. ARGENIO: Annual mobile home park review, Mt. Airy Park on Route 207. Anybody here representing this? Sir, can I have your name please for the stenographer?

MR. PALTRICH: Rich Paltrich.

MR. ARGENIO: Jen, anybody out there to have a look around?

MS. GALLAGHER: We have and everything is fine.

MR. ARGENIO: I'm happy to hear that, that's great. Have you brought a check made out to the benefit of the town for \$250?

MR. PALTRICH: Yes.

MR. ARGENIO: You're the man. Anybody sees fit I'll accept a motion we offer them one year.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you.

WINDSOR ENTERPRISES MOBILE HOME PARK

MR. ARGENIO: Next is Windsor Enterprises. I see John Lease is here.

MS. GALLAGHER: We have been out there as Nicole can show you there was a few violations that the mobile home park was written up for.

MR. ARGENIO: I can do without this.

MS. GALLAGHER: However, we were out there probably around 3:30 today and it's I'd say 95 percent cleaned up. We would have no issue if you guys approved it. He has done, I mean, he's cleaned up substantially.

MR. ARGENIO: I see branches, I see unlicensed vehicle, I don't see anything here that's safety, health and welfare.

MS. GALLAGHER: Which is not the majority.

MR. ARGENIO: If one tree falls it will hit two homes, what does that mean?

MS. GALLAGHER: There's a tree that we feel is kind of an issue, however Mr. Lease has taken on the liability of the tree, given us a letter that, you know, if it does fall it's on him, you know.

MR. ARGENIO: What are going to do cut that down or let it go?

MR. LEASE: Well, it's still alive, probably will before--

MR. ARGENIO: You'll cut it down before winter?

MR. LEASE: Yeah, I just want to get a little bit better price but I probably will.

MR. ARGENIO: Shopping that thing around are you?

MR. LEASE: Yes.

MR. ARGENIO: Take it down before winter if you could, I mean, the big issue is safety, health and welfare would be good. Jen, does it seem you're not a fortune teller but does it seem imminent that this thing is going to come down on somebody's head before winter? I

understand you're not a fortune teller.

MS. GALLAGHER: It looks like some of the tree is dead and some of it is alive, it's really weird, I mean, the branches and there's leaves on the top of the tree but the bottom is dead of what we can see. However, I mean, it's okay, it's been that way for a while so I don't think, I don't think it's going to fall but I don't know.

MR. ARGENIO: You just don't know?

MS. GALLAGHER: Right, I don't know.

MR. ARGENIO: Cover that for me.

MR. LEASE: Yes.

MR. ARGENIO: Thank you. Do you have a check for the town for \$250, John?

MR. LEASE: Yes.

MR. ARGENIO: You look good, man.

MR. LEASE: Thank you.

MR. ARGENIO: I'll accept a motion we offer one year extension for this mobile home park.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Please take care of that, health, safety and welfare are cause for concern.

MR. LEASE: Absolutely, I'll take care of that.

REGULAR ITEMS:

CENTER LINE STUDIOS LOT LINE CHANGE (11-08)

MR. ARGENIO: Anybody here to represent this? I see Mr. Clearwater coming up.

MR. CLEARWATER: Good evening, my name is James Clearwater, land surveyor with MJS Engineering and here with the applicant, Roger Gray. We were last here at the June--

MR. ARGENIO: Sir, are you partners with Andy on this?

MR. GRAY: Yes.

MR. ARGENIO: Partners?

MR. GRAY: Well, no, I own one side and I sold the other side to him.

MR. ARGENIO: Got it. Go ahead.

MR. CLEARWATER: I believe we have addressed the comments that Mr. Edsall had pointed up to us on the review from June and one of the comments or one of the things that we were doing was meeting with the Orange County Department of Public Works because Forge Hill Road is a county road. Before the June meeting I met with the DPW informally to see what they wanted to do with the right-of-way. As you may recall, there was or is no formal established right-of-way limits for that portion of Forge Hill Road between the bridge and easterly through where all the buildings are. The county tried to get right-of-way years and years ago when SanGiacomo owned it but he was so difficult to work with they never did.

MR. ARGENIO: SanGiacomo was difficult to work with?

MR. CLEARWATER: Right, right and they got the right-of-way around where the bridge is where they re-built the bridge but never successful in getting it the rest of the way through. In any case, I met with the county a couple times and Pat Kennedy suggested that we make the right-of-way as wide as we could without hitting the building, which is what we did. I made it 50 feet wide nearest the, at the end, westerly end where the county right-of-way already is and narrowed it down to 40 feet where it went between the

buildings missing the buildings and--

MR. ARGENIO: You guys know where we are? That's the building that's like seven feet off the road or some such thing.

MR. CLEARWATER: In any case, I submitted the plan to them for their formal review and to get a letter back from them. I didn't get a letter, it's been like a month and a half until the day before yesterday I got a letter. At which point he wanted, he felt the right-of-way lines were fine cause that's what we agreed on but he wanted the existing items, existing improvements that are along the front of the building that actually extend slightly into where the new right-of-way would be all removed to be physically removed.

MR. ARGENIO: He's describing them as existing concrete slabs, curbs, and a fence line to be relocated, doesn't sound like a lot of heavy lifting to me.

MR. CLEARWATER: The fence will come out but there's some bollards in there along the front where the existing, where the entrance to the office was.

MR. ARGENIO: Are they protecting the building?

MR. CLEARWATER: Yes.

MR. ARGENIO: It would be foolish to remove them.

MR. CLEARWATER: Right, there is a curb in there that was put in the whole idea years ago was to keep people from getting run over when they stepped out of the building and cars from hitting the corner of the building. And up a little bit to the west there is a couple bollards and an old truck scale where they used to weigh the trucks which Roger wants to rehabilitate that scale and use it. So that he wants to leave as well as the bollards and the curb in front of the office. Now I conveyed that to Mr. Kennedy at the DPW.

MR. ARGENIO: When he says slab, you think he means scale?

MR. CLEARWATER: Right, he didn't realize there was a scale. Roger wants to rehabilitate the scale and use it, actually the warehouse across the street wants to be able to use it because they, when they have to weigh

a truck they have to drive all the way out to Maybrook so it would be helpful to his business.

MR. ARGENIO: What are you going to do with the scale?

MR. GRAY: We build scenery for Broadway shows and operas.

MR. ARGENIO: You have to weigh that?

MR. GRAY: You do going into New York, you have to have the weight scale.

MR. ARGENIO: I'm acutely aware of that.

MR. GRAY: They weigh you for everything.

MR. ARGENIO: Yes, they do.

MR. GRAY: Going into Connecticut lot of times we'll take shows all the way across the country so we like to know before we leave.

MR. ARGENIO: Actually conform to the law.

MR. GRAY: Exactly.

MR. ARGENIO: Mr. Clearwater, what are you proposing the status to be of this lot line here?

MR. CLEARWATER: That's owned by the county this piece, this little rectangle is owned by the county.

MR. ARGENIO: Why?

MR. CLEARWATER: I don't know, they must of picked it up for taxes or something

MR. GALLAGHER: Is that after the chain link fence?

MR. CLEARWATER: The fence that we want to remove or county's complaining about is right in here.

MR. ARGENIO: So the line, hold it, Jim, the line you're extinguishing is this line?

MR. CLEARWATER: Yes.

MR. ARGENIO: Which piece are you keeping, sir?

MR. GRAY: That would be, it's easier to say what I'm not keeping, this is the part that we're selling to Andy so everything across the street up to the bridge so we'd be keeping everything north of the bridge, north of the road here and south of the road here.

MR. CLEARWATER: I colored up a map here. These two pink ones and this green one is where Roger will be, this blue one and this yellow one Andy Callahan will get.

MR. ARGENIO: Is that blue one going to the highway?

MR. CLEARWATER: Beg your pardon?

MR. ARGENIO: Is the blue one going to 9W?

MR. CLEARWATER: No.

MR. ARGENIO: So Andy gets the yellow and the blue, you retain pink and green.

MR. GRAY: Right.

MR. ARGENIO: What else, Jim?

MR. CLEARWATER: So the only open question unless I'm missing something is the DPW. They seem to be quite entrenched with their position that they want these improvements, we moved from the right-of-way. Personally, I think we're doing the county a favor by offering them a right-of-way and helping them clean up the fact that there isn't one.

MR. ARGENIO: Are you in fact widening the right-of-way that formally existed?

MR. CLEARWATER: There is no right-of-way established now.

MR. ARGENIO: So the answer is yes?

MR. CLEARWATER: The answer is yes.

MR. ARGENIO: You're going from zero to something?

MR. CLEARWATER: Right.

MR. ARGENIO: What's that right-of-way, what are you proposing, what are they looking for?

MR. CLEARWATER: We're proposing 40 feet through the narrow part.

MR. ARGENIO: That's pretty good, Mark, no?

MR. EDSALL: Yeah, the difficulty comes in is that you're starting with zero, they're proposing 50 on the west end, 40 through the narrow section but it appears that the county's saying give us 40 but not only give us 40 but take everything out of the 40, anything that encroaches in the 40.

MR. ARGENIO: That's a crummy thing.

MR. EDSALL: Yeah, so maybe what they should say is they'll offer you 30 and you won't have encroachments which wouldn't be fair to the county. I think they need to negotiate a little more, the county.

MR. CLEARWATER: What I suggested, okay, we offered you 40 we'll offer you 35 then the encroachment will be off the right-of-way and he said no, he said no, we're already being gracious and letting you reduce it from 50 to 40. So we're not going to go anymore.

MR. EDSALL: The reality is that the application that's before this board doesn't involve the road dedication, the right-of-way dedication, it involves the internal lot lines relative to the tax parcels so theoretically if the board cared to you could adjust the lot lines between lots because we have a mess there, there's no doubt about it. And what Jim and his client are proposing are yeah, it's cleaning up lot lines going through buildings, it's cleaning it up quite a bit so we can at least get passed that and suggest that they continue to talk to the county.

MR. ARGENIO: Harry or Howard, do you guys have a problem with the internal lot line reconfiguration? Do you see anything there that could potentially cause a problem?.

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: I agree, I think this is a good thing, this is not a bad thing. Sir, I don't know you but I certainly know Andy, I mean he's a, he's been a top

shelf operator in this area for many, many years and if you know Andy there's nothing up his sleeve. That's not meant to impugn you obviously.

MR. GRAY: No offense taken.

MR. ARGENIO: I happen to know him.

MR. GRAY: No, we feel strongly that we want to do as much as we can to clean up the, I've lived in the area for 30 years and it's been an eyesore the entire time. So given the opportunity to clean it up is something we're really looking forward to.

MR. ARGENIO: So Mark, is there any reason or Amy, Mark, you probably know the answer that we cannot move forward and tell Mr. Clearwater and his client that look you guys gotta go out and meet with Pat at county and you gotta work your differences out cause I think you said it or somebody said it, it doesn't have a lot to do with the Town of New Windsor Planning Board.

MR. EDSALL: No, my suggestion would be right now the right-of-way that's shown is really not one that exists, it's Jim's initial proposal. I would suggest that he modify this plan to show the deed lines down the county road, the proposed lot line changes that involve the Town of New Windsor shown and let the town approve it with a note on the plan that indicates that there are currently negotiations with the county and these properties may be subject to a further dedication to the County of Orange because we don't need to see the dedication, candidly, we really don't care. It's an issue between them and the county. So we can approve the lot line change plan and leave that as something they continue to negotiate because I don't want to get in the middle of it candidly.

MR. ARGENIO: Okay, so members of the board, this is a lot line change, the applicant's proposing no development at this time down at the foot of Forge Hill Road, I mean, does anybody see the need for a public hearing here?

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: I agree. Danny, what do you think?

MR. GALLAGHER: I don't think we need a public hearing. We can probably adopt SEQRA, I don't see any reason, no negative impacts.

MR. ARGENIO: Absolutely. Relative to the public hearing, I'll accept a motion we waive it.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I think that's the right thing, obviously if at some point in time you folks are going to be building some stuff there that's a different discussion. Typically we probe probably would have a public hearing if there's people in the area we don't typically waive it but this is fairly innocuous. Mr. Clearwater, you've got to work your issues out with the county. If anybody sees fit, anybody disagrees, I don't see anything here, I'll accept a motion we declare a negative declaration under SEQRA.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. EDSALL: Just into the minutes the County Planning has--

MR. ARGENIO: I'm going to read that.

MR. EDSALL: Just wanted to be on record.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We did hear from Orange County Planning and they are saying local determination, they don't seem to see any issue here. This was sent to the Town of Cornwall because of their proximity to the project and we received no comment to date and I assume, I don't assume, that expired 60 days ago, is that right?

MS. PELESHUCK: Yes.

MR. ARGENIO: Nothing to talk about there. Mark, what are we--

MR. EDSALL: We're good. I would suggest that if you are going to consider a condition of approval that it be as discussed, the plan be revised to depict the deed lines down the county highway and that we ask that the note be added that the properties will be subject to further negotiations with County DPW for a possible dedication of a right-of-way.

MR. ARGENIO: You guys need to tie up with those folks in Goshen before I sign the plans. Do you understand that?

MR. CLEARWATER: Yes.

MR. ARGENIO: Anybody have any other issues? Danny?

MR. GALLAGHER: No.

MR. ARGENIO: If anybody sees fit, I'll accept a motion for final subject to Mark's comments and subject to Mr. Clearwater getting squared away with Pat Kennedy out in Goshen.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE

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MR. BROWN	AYE
MR. ARGENIO	AYE

NEW CINGULAR WIRELESS (AT&T) (11-09)

MR. ARGENIO: Next is New Cingular Wireless AT&T site plan special permit use cell tower. Application proposes construction of a new 100 foot monopole cell tower with a fenced in area of the property of Petro Plumbing. Plan was previously reviewed at the 8 June and 13 July, 2011 planning board meetings. And their previous application at another location was reviewed multiple times at other planning board meeting and it was determined by this board the prior location was not fit for the people of the Town of New Windsor. As such, that's why this applicant is at this new location.

MR. ARGENIO: Mr. Morando here. What say you, sir?

MR. MORANDO: Good evening, Anthony Morando from Cuddy & Feder representing AT&T. I'm here tonight to follow up with the board, see where we are with completing our review of this application, I believe the board received revised plans from us that we also sent to Mark Edsall, the engineer, addressing his comments in his two comment memos associated with this application. I believe at this point we have addressed most of those comments. We have also at the request of this board changed the monopole to a monopine to blend in as was shown in the visual photographic simulations which was the preference of this board. And beyond that we also submitted a correspondence to this board just summarizing our RF expert's testimony.

MR. ARGENIO: I'll get into that. Take these, peruse them while I'm speaking over the next new moments. Briefly for the record, I mean everybody's familiar with this, I can't imagine you guys are not. For the record, I have brought my notes from the public hearing here tonight just to make sure that we covered everything. In addition to that, I printed the minutes at my own expense, don't laugh Leo, from that public hearing and I'm trying to make sure that we don't miss anything cause there was some very, very well thought out discourse at that meeting. And I think one of the most important components of that is let me see who said it, I'm privately reading the minutes from that meeting, oh, I said it, look at that, my words from the public hearing as follows. As far as the coverage goes the RF coverage study that was done and this is something that we typically reviewed and made sure that these studies are done correctly and that we're not

being buffaloed, bulldozed or snowed over, the question was to Mr. Morando or one of the folks from the engineering firm or the RF firm, what about the tower that's at Quality Autobody and how does that affect this tower at all? Has it been taken into consideration? Does anybody know the answer to that? Cause I think it's a pretty pertinent question. Can anybody answer that? That question was brought up by one of the members of the public and I thought it was a great question. I'm not going to go into reading what the answer was cause it was a lot of mumbo-jumbo, that's not meant to impugn you guys, but just a lot of circuitous discussion at that meeting, I asked Mr. Morando to respond to the question with no ambiguity because I think it's a very important point. And I'm not going to read the letter but it's part of the permanent record, I'm going to paraphrase then Mark is going to follow up after I paraphrase. In essence, the letter says that originally, originally when they did the RF study that tower was not taken into consideration. So it was really a great question by the young lady who was here that evening. But subsequent to that it has been brought into the fold and it has been taken into consideration and that gap still exists in spite of that tower at Quality Autobody. Please expand, Mark.

MR. EDSALL: I'll try to be as short as you were. The bottom line is that the plans, the RF plans have a dot that indicates proposed or towers under construction and that dot on the plan was not shown. It has been explained to me and I'm sure I will be corrected if I speak incorrectly that they were fully aware of the tower being applied for and approved in the Town of Cornwall but that it provided no service benefit to the area that we're currently considering. So the mere elimination of the dot although it was an inadvertent mistake really didn't affect this application.

MR. MORANDO: And we do have, and if I can clarify, we have Yvan Joseph who was here at the public hearing. Yvan, if you can stand up and discuss what was discussed at the public hearing as far as the tower located on Route 32 in the Town of Cornwall and how that while that was inadvertently not on the plot itself it was always considered as part of AT&T's plan for its network.

MR. JOSEPH: My name is Yvan Joseph, radio frequency engineer on behalf of AT&T Wireless. As was stated, we

have two different search rings, two different coverage objectives in the Town of Cornwall and the Town of New Windsor. AT&T's overall master plan always incorporated a facility in the Town of New Windsor and also in the Town of Cornwall. All of our previous submittals obviously demonstrated that we needed both facilities. I think during the last presentation we might of inadvertently not placed that dot but however both locations are two separate search areas. That means they are two separate coverage objectives. One serves the Town of Cornwall in the areas in and around Route 32 and where its facilities are located and this facility will serve the immediate area in and around Petro Plumbing. Neither of the sites have enough range to cover the others, they are both separate objectives and they will be working together but they are not of one all a solution for each town.

MR. ARGENIO: One does not exist in lieu of the other.

MR. JOSEPH: That's correct.

MR. ARGENIO: I had Mark verify that and look very closely at the information submitted just to make sure that we were on firm footing which is important, very important. Mr. Morando, I handed you some photos, guys, what I handed him are the photo sim, photosimulation of the, what is it called, monopine as they represented it. This is a document we all looked at and I want those pages to be given back to Nicole. If you agree that those substantially represent what's going to be seen from those vantage points subsequent to construction, do you agree to that?

MR. MORANDO: Yes.

MR. ARGENIO: They do substantially represent the post construction situation, is that correct?

MR. MORANDO: Correct, based on what I'm told from the experts who prepared these.

MR. ARGENIO: I don't want to hear that. You're the one standing in front of me. And if that's not the case you have an issue, sir, you're the one standing in front of me, Anthony, let's not play games.

MR. MORANDO: I'm not trying to play games. Yes, yes.

MR. ARGENIO: I'm not going to pole the crowd one at a

time, you're the guy standing in front of me, yes?

MR. MORANDO: Yes.

MR. ARGENIO: Give them back to her. Let's make them part of the record. That's a good thing. And Anthony, I have every reason to believe that it's accurate.

MR. MORANDO: As do I.

MR. ARGENIO: But I don't want to be ambiguous.

MR. MORANDO: As do I but yes.

MR. ARGENIO: When you're standing in front of this board, there's no qualifications and there's no shifting blame or accountability.

MR. MORANDO: I'm not trying to shift blame.

MR. ARGENIO: That's done, let's get that behind us. Harry or Howard, do you guys have anything else you want to probe or discuss a bit?

MR. BROWN: Personally, I'm against it. Officially, I really can't do anything.

MR. ARGENIO: Howard, you know, I don't think that and I think I said this in the last meeting, and I took a bit of a liberty and I don't think anybody on this board is a cell tower proponent but the reality of it is the law's the law and that's what we needed to be guided by. I certainly would not want a cell tower on Sesame Street where I live and I do live on Sesame Street. Elmo's on the street sign, that's the truth. Danny, do you have anything else?

MR. GALLAGHER: Comment number five first bullet all proposed structures equipment or materials are readily accessible from fire and police.

MR. ARGENIO: We have approval from fire, thank you for disposing of it. Mark, you wanted to offer something? Please do.

MR. EDSALL: No, I was just was going to touch on that the permit conditions for the special permit, I did speak with Dominic and those, although they are in the special permit section do apply to the cell tower special permit as well and that's why I included them

and that will be part of your resolution.

MR. ARGENIO: Amy?

MS. ZAMENICK: That's what I was going to say, just to put your mind at ease when considering the negative dec just a reminder to the audience that this is an alternative visual site.

MR. ARGENIO: You're not the, you were not at the last meeting but I was very clear to tell everybody that, you know, this is Anthony and his group have cooperated, I mean their arm was behind their back and almost touching their neck.

MS. ZAMENICK: I do remember that.

MR. ARGENIO: But they did certainly cooperate which I appreciate. It did go to Orange County Planning and it was returned as local determination. If anybody sees fit, I'll accept a negative dec, motion for negative dec under the SEQRA process?

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We'll need a bond estimate, obviously. Do any of my contemporaries up here have anything else to offer on this? We have discussed it and discussed it, I think we have gone to extraordinary measures, extraordinary measures on the behalf of the people of the town. Do you guys have anything else?

MR. GALLAGHER: I don't.

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: What are the subject-to's?

MR. EDSALL: If you make them subject to my comments it will include the normal bond estimate and our final approval of the bond submitted for approval. I would just note as you have already just so that we're a thousand percent clear the monopine alternative that you have discussed tonight is the installation that's being approved because we have had on other applications alternatives.

MR. ARGENIO: Mark, if there's any ambiguity there I have to get another public service position.

MR. MORANDO: We did submit those drawings providing the monopine on the plan.

MR. EDSALL: They're on the plans cause we don't always get those.

MR. ARGENIO: I will accept a motion for final approval subject to Mark's comments, if anybody sees fit.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion has been made and seconded by Mr. Ferguson we offer final approval to the Cingular Wireless site plan at the Petro Plumbing site. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. MORANDO: That was for special use permit, correct?

MR. ARGENIO: Yes, you're good.

MR. EDSALL: The resolution has both.

MR. MORANDO: Thank you very much to the board, appreciate it very much.

PEDOEM - SHAPIRO LLC (11-10)

MR. ARGENIO: Next is Pedoem-Shapiro site plan Engineering Properties is the consultant. The application proposes a new 3,000 square foot medical office building on the site of the existing 7,000 foot building. This plan was reviewed on a concept basis only. Guys, I think this is about across the street from Neil's place, Neil Schlesinger's place, possibly a bit south but on the other side. What say you, sir?

MR. SAMUELSON: My name is Jay Samuelson with Engineering Properties. We're here tonight to present this plan. There's an existing medical office at 448 Temple Hill Road with existing parking in the front and the east side what we're proposing is a 3,000 square foot new building which I have highlighted here in green. It will be detached from the current 7,000 square foot building connected only by a breezeway. The other improvement that we'll propose is a sidewalk connecting it to the existing sidewalk along the front of these parking spaces. We will be required to remove one tree and we'll provide a landscaping plan with some additional trees around this building. The proposed building meets all zoning issues, there's currently 54 striped parking spaces, a lot of them are oversized, some of them are greater than 10 feet wide. What we're proposing to do is restripe this eastern portion and half of the northern portion to be 9 by 19 and provide a minimum of 25 feet for an aisle and what that will do is allow us--

MR. ARGENIO: That's our code, Jimmy had them change that cause 9 by 19 is a little bit more reasonable, it used to be 10 by 20. Mark, is that right?

MR. EDSALL: Yes.

MR. ARGENIO: Some places are 8 by 18. Go ahead.

MR. SAMUELSON: And with that restriping that will allow us to actually gain four spots in this area to meet the new requirement of 58 spaces for 10,000 square feet of medical office.

MR. ARGENIO: How far over are you on the quantity?

MR. SAMUELSON: Fifty-eight will be exactly what's required for a 10,000 square feet of medical office, there's currently 54 for the 7,000 and based upon the

code the calculations this will go to 10,000, we're required 58 spaces.

MR. ARGENIO: How wide is the sidewalk in the vicinity of 58 through 49 through 58?

MR. SAMUELSON: That existing sidewalk is at least five feet wide, I don't have a scale on me right now but it's at least five feet wide and those spaces as you can see that whole parking area is over 64 feet in width so there's at least 19 feet plus more than 25 feet for an aisle between here.

MR. ARGENIO: Where is the drops? Are they here? Drop curb for the handicapped.

MR. SAMUELSON: This whole parking lot has pretty much been repaved since it was constructed many years ago. I don't know the date, there's very little reveal on a lot of these curbs and but there are, there is a pretty much a drop curb all along this whole area.

MR. ARGENIO: Let me ask you a direct question. Does the drop curb exist?

MR. SAMUELSON: Pretty much a drop all the way.

MR. ARGENIO: You're not answering.

MR. SAMUELSON: Yes, it's there, it's more of a mountable curb, there's no flush.

MR. EDSALL: What you're leading toward is if they're not complying with handicapped access they should fix it now.

MR. SAMUELSON: I will agree to that.

MR. ARGENIO: End of story.

MR. SAMUELSON: Thank you.

MR. EDSALL: Trying to save your voice, Mr. Chairman.

MR. SAMUELSON: That's the extent of my proposal.

MR. ARGENIO: Mark, any issue with the drainage going into the state right-of-way there? It's probably where it goes anyway, they're just channelizing it.

MR. EDSALL: This is a unique application because the reality is they are adding a building, they are tying into pretty much existing drainage flows, the parking lot is actually being made no bigger, just restriping, they meet the code. The only issue they've got is relocating the utilities that go overhead which they are working on.

MR. SAMUELSON: We met with Verizon and Central Hudson at the site, I met with all their field crews, they have agreed currently there's a pole right behind where we're proposing to put the building and it runs through the building out to the street here. And what they're proposing to do is they'll leave this pole here, put a second pole here and relocate another pole across the street here or in between here so they'll be adding two poles actually.

MR. ARGENIO: That pole will be in the DOT right-of-way?

MR. SAMUELSON: Yes, and this one here will be in the existing easement.

MR. ARGENIO: Who's handling that?

MR. SAMUELSON: Verizon, it's a Verizon pole, they'll be doing the installation.

MR. ARGENIO: Who's handling the acquisition of right-of-way for the Central Hudson pole to be placed in the DOT right-of-way?

MR. SAMUELSON: Verizon will be.

MR. ARGENIO: It's interesting.

MR. SAMUELSON: The whole pole that comes back through here they're original Verizon poles.

MR. ARGENIO: He wants it relocated but Verizon's handling the right-of-way issue.

MR. EDSALL: It might be that Verizon doesn't even have the proper easement so they might be cleaning up their own mess.

MR. ARGENIO: You guys follow me on that?

MR. EDSALL: All depends if they don't have a proper

easement might be the case.

MR. ARGENIO: Everybody should ride by there so we all have a flavor for it.

MR. GALLAGHER: Existing building has stone veneer?

MR. SAMUELSON: It's got a stone wainscoting on the bottom.

MR. GALLAGHER: The new building is going to be matching?

MR. SAMUELSON: We're working on architectural, they don't have them finalized yet but it's going to be very similar to what's there, yes.

MR. ARGENIO: That's a really great point. Let me expand on that and typically what we look for are earth tones because of the historical disposition in this area neutral colors, not something that's jumping out at anybody. Guys, there's no reason we cannot assume lead agency under the SEQRA process as there are no other involved agencies, not negative dec just assume lead agency.

MR. EDSALL: We can take lead agency but there's, Amy's got a little update I asked her to check on.

MR. ARGENIO: Unique case.

MS. ZAMENICK: Because the building is under 4,000 it falls under the exemptions, am I saying this right, under the exemptions for the Type II action so it's less than, it's not going to involve a change in zoning or an area variance, it's not going to need to be a Type II action.

MR. EDSALL: What it comes down to because it's under a threshold set by the state in the SEQRA regulations of 4,000 effectively after you take lead agency you can deem it a Type II action, that's the end of the game, you don't have to do a negative dec, the state deemed that everything under 4,000 square foot as an addition to a site is exempt from SEQRA. You can get this out of the way because it's technically that's the end of the game for SEQRA because it's only 3,000 square feet.

MR. ARGENIO: I'll accept a motion we declare ourselves lead agency.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER AYE

MR. FERGUSON AYE

MR. BROWN AYE

MR. ARGENIO AYE

MR. ARGENIO: What's the next thing?

MR. EDSALL: If the board will concur for the record that given the 3,000 square foot size it is a Type II action under SEQRA, no further action is needed to be taken.

MR. ARGENIO: You know what, Mark, my sense is that you're probably right, you guys are right, this is not a foot race though.

MR. EDSALL: It saves me from having to write the comment.

MR. ARGENIO: Write the comment again and we'll deal with it. I want to give a thought to everybody and Mark you'll understand my reasoning in a moment. I spoke to Mark about these comments over the past couple three days and we talked a bit about the public hearing. And all this is not a dramatically busy area, it is next to the Cantonment or it's a lot or couple lots away so we want to seriously consider the need or not for the public hearing because typically in this corridor we do because we put a notification out there and those folks like to check the viewshed.

MR. BROWN: Is that considered part of Freedom Road?

MR. ARGENIO: I believe it is, I don't think it's in a historic district but if we have a public hearing the notices will go out and if it is somebody will tell us so that's my thoughts on it. If anybody strongly disagrees, we can certainly vote on waiving it but I think there's wisdom in having it because of geography. I'll accept a motion to that effect that we schedule that.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we schedule a public hearing.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I think the plans are in a state of fitness where we can do that, they are not a mess, you have done a nice job, seems to me and quite frankly, I don't think the facility's an eyesore in any way, shape or form but we need to do what it is.

MR. SAMUELSON: Completely understood.

MR. ARGENIO: We need to do that.

MR. EDSALL: I will forward them on to Orange County Planning as well since it's along the state highway.

MR. ARGENIO: Yeah, that would be good, Mark. I think that we, what's your methodology of achieving the restriping?

MR. SAMUELSON: I haven't given it a lot of thought, I came up with two ideas and I wanted to talk with our client whether they were going to possibly seal coat the entire lot and restripe it then or go out actually grind off these spaces and restripe them.

MR. ARGENIO: Eradication, it damages the pavement, it looks like hell, I mean, I would strongly suggest, I mean, as I said, I don't specifically remember your facility but as I remember, it's pretty nice, seal coating would not be a bad idea. You can always black out lines but the paint always wears off.

MR. EDSALL: That's the main reason that I brought up the blacking out doesn't work, it ends up having both lines.

MR. ARGENIO: Do you guys have anything else with this?

We're going to see it again certainly. I think the plans are pretty good seems to me. That's Winglovitz?

MR. SAMUELSON: That's my partner, yes.

MR. GALLAGHER: Maybe some landscaping on this side.

MR. SAMUELSON: I have not shown landscaping, I will be planning on adding it, all the landscaping that you are seeing here is all existing.

MR. GALLAGHER: That's going to be hidden between the building.

MR. SAMUELSON: There's 12 1/2 feet between the buildings so they'll be getting some sunlight and a lot of the stuff will stay.

MR. ARGENIO: Why didn't you show it?

MR. SAMUELSON: Show what, the proposed landscaping? I hadn't gotten that far when we submitted back in June because we met at workshop in June and was originally thought we were going to be on the July meeting so I was trying to get it in for the June deadline but I will submit it prior to the next meeting.

MR. ARGENIO: Just a comment, it would be nice if you did something over here, I'm not looking for 15 trees but a couple of trees and that would match what you have would be nice and certainly Danny's pointing up here unless the members disagree.

MR. SAMUELSON: Yeah, I was looking to add more in here to compliment the building.

MR. ARGENIO: Let me finish my point. And I think I'm going to play right into where you were going. Over in here would be nice and out in front to compliment the building would be kind of cool, I think that would be a good thing.

MR. SAMUELSON: We will do so.

MR. ARGENIO: You guys got anything else? Danny, do you have any other thoughts?

MR. GALLAGHER: No.

MR. ARGENIO: Who is the owner?

MR. SAMUELSON: Dr. Shapiro, she owns the entire building and she's got her pediatric practice.

MR. ARGENIO: Local doctor?

MR. SAMUELSON: I don't know where she lives.

MR. ARGENIO: Does she practice locally?

MR. SAMUELSON: Yes, her office is in the building.

MR. ARGENIO: Do you have her phone number?

MR. SAMUELSON: I do not on me.

MR. ARGENIO: Okay, thank you for coming in.

MR. SAMUELSON: Do you have a date for the public hearing?

MS. PELESHUCK: I'll call you.

DA REALTY LOT LINE CHANGE (11-12)

MR. ARGENIO: This is the trailer park I think, right?

MR. GLYNN: Yes.

MR. ARGENIO: You don't have a plan, all right, we'll see you next time in two months. I think this is a lot line change?

MR. GLYNN: Yes.

MR. ARGENIO: Let me just read Mark's technical review here. For the record, this is for a lot line change between two existing lots which contain an existing mobile home park and used car sales building. You have site plan approval, don't you?

MR. GLYNN: Yes. What we're trying to do, we have the site plan approvals for the mobile home park, we have a commercial building cause there's two parallel lots there.

MR. ARGENIO: How did we give him that without having the lot lines squared away, Mark, what were the nuances of that?

MR. EDSALL: Well, it exists in an undesirable form now and in 2007 when he made the application the mobile home park was split by the lot line and effectively you told him give us a plan how you're going to reorganize the mobile home park which he did and you subsequently approved it but you also said please come back with your lot line change plan and that's why he's here.

MR. ARGENIO: So where have you been?

MR. GLYNN: Hiding.

MR. ARGENIO: Sounds like it. So tell us, I mean, it looks very simple, tell me what you're doing.

MR. GLYNN: I have someone, when we went through and did the, we got approval for the new design for a mobile home park that was when there was still money available. After everything tanked we lost our funding to do the mobile home park so we have been in kind of limbo. Now we have someone interested in investing so we can complete the mobile home park but has no interest in the commercial building so asked that we

get that separated into two lots so the mobile home park stood alone so he'd be an investor in the mobile home park.

MR. ARGENIO: So you're peeling off the one story block building?

MR. GLYNN: Yes.

MR. ARGENIO: Why does the one lot line go through the driveway? Why are you doing that? That doesn't make sense.

MR. GLYNN: Well, if you look at the whole design of the mobile home park now is completely different, there's only 10 mobile homes in the new park.

MR. ARGENIO: Let me ask the question again. Why are the two lot lines, do you have a plan there? Hold your plan up there, I'll point to it for you. Why does this here go into the driveway and why does this encroach on the driveway?

MR. GLYNN: It's a whole different, the new one comes in here and the road goes straight back, there's no more circle, that's all gone.

MR. ARGENIO: So what you're telling me is the lot line does not lay on top of the driveway?

MR. GLYNN: Correct.

MR. ARGENIO: Based on the current site plan approval.

MR. GLYNN: Correct.

MR. ARGENIO: That's a fact?

MR. GLYNN: That's a fact

MR. ARGENIO: Guys?

MR. EDSALL: It's very similar to the first application on the agenda, the lot lines bear no common sense in relationship to physically what's out there currently so it's a clean-up.

MR. SAMUELSON: We're trying to get lot lines rather than going through the buildings at the facilities down on Forge Hill Road, this would have the lot line not

split through the mobile home park through the units, through the mobile home drive and it would separate two uses.

MR. ARGENIO: Do you guys know where we are? Almost to the railroad bridge on Walsh Road near Federal Block.

MR. GALLAGHER: I don't believe that a public hearing is necessary.

MR. ARGENIO: I agree.

MR. BROWN: I don't think--

MR. GALLAGHER: It's all commercial and we're cleaning it up.

MR. ARGENIO: This is lot lines.

MR. BROWN: There's nothing being done yet.

MR. ARGENIO: I'll accept a motion we waive the public hearing.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anybody sees fit, I'll accept a motion we declare negative dec.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else? Anybody have any other issues, speak now or forever hold your piece. Sir, is there any reason why we shouldn't approve it?

MR. GALLAGHER: Who's going to occupy the block building? You have an investor for the mobile home park?

MR. GLYNN: I rent it to myself.

MR. ARGENIO: He's a body shop guy who owned that before you.

MR. GLYNN: Freddy Thomson.

MR. ARGENIO: Before him?

MR. GLYNN: He built it.

MR. ARGENIO: Okay, if anybody sees fit, I'll accept a motion for final approval.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

DISCUSSION

COMPANION DOG TRAINING CLUB

MR. ARGENIO: Discussion, Jen, take us to the dogs.

MS. GALLAGHER: This was an issue that came up, fire inspector noticed that this dog training club went into the building next to the Vails Gate Firehouse without the proper permit and occupancy, right next to what used to be the TLC Daycare.

MR. GALLAGHER: The school's gone?

MS. GALLAGHER: Yes. We made them come in and sit down with Mark at a work session and they gave Mark a letter on what they were going to be doing there.

MR. EDSALL: We have a letter from July 21 from the Companion Dog Training, they explained to me it's a club, non-profit organization that they as I understand it they train dogs, a lot of them are in competition so members of this club gather and train their dogs for general behavior and also for competition. I got their letter and it specifically acknowledges that there will not be any boarding or kennels, there's no veterinary services, there's no grooming, they are even telling us there's not even a phone. They all use their cell phones, I guess. They do occasionally have or annually a community day where they help the Town of New Windsor residents get rabies' shots for their animals. I made it very clear that it could not be a business so they have acknowledged that in their letter and submitted that on the record, they claim they don't have any events other than their club training gathering and I believe they said it's probably a dozen people at the most.

MR. ARGENIO: Mark or Jennifer called me about this and they gave that same outline, I think it was Jen, somebody called me and planning board what do you think, guys? I said well, you never know. Tell you what, bring it to the members and the members will decide and we'll vote.

MR. GALLAGHER: It's fenced in previously with the school, everything's fenced in for the most part.

MR. EDSALL: Yeah, they're proposing no outside changes

whatsoever. I think what you might want to determine is that based on this use that it is a private use and it would not require a site plan application or approval. So you really don't need to take any action other than say as long as that's what they are really doing.

MR. ARGENIO: No structures.

MR. EDSALL: However, if and when they don't do what they represented to you, I'm sure Jennifer will have them visited and they'll get a violation and be told now you do have to do a site plan.

MR. ARGENIO: By our esteemed fire inspector, awesome. Danny?

MR. GALLAGHER: Nothing.

MR. ARGENIO: You guys have any problems?

MR. BROWN: No.

MR. ARGENIO: Jen, take care of it, it's yours. Anything else? Motion to adjourn?

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. FERGUSON	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer